

**SNOHOMISH COUNTY  
Charter Review Commission**

**Minutes<sup>1</sup>**

**Wednesday July 26, 2006  
First Floor Hearing Room No. 1  
County Administration Building East  
Everett, WA**

**Commission Members Present:** Eric Earling, Kim Halvorson, Mike Cooper, Gail Rauch, Ryan Larsen, David Simpson, Diane Symms, Mark Bond, Barbara Cothorn Hawksford, Jim Kenny, Kristin Kelly, Wendy Valentine, Rick Ortiz, Christine Malone, Rene Radcliff Sinclair.

**Commission Members Excused:** All commission members were present.

**Staff Present:** Steve Reinig, and Allena Olson.

**Others in Attendance:** John Chelminiak, Evelyn Spencer, Paul Blowers, Geri Modrell, John Sitkian, Peter Camp.

**Call to Order:** Chair Cooper called the meeting to order at 6:33 p.m.

**Approval of Agenda:** Chair Cooper noted that Chair's Comments would be moved until after the Administrative Report for this meeting.

**ACTION:** Commissioner Rauch made a motion to accept the agenda as amended. Commissioner Earling seconded the motion, and all commission members present unanimously approved the motion.

**Approval of Minutes:** Commissioner Kenny noted that the changes he suggested had been made. Commissioner Earling stated that he would send his suggested changes to staff.

**ACTION:** Commissioner Kenny made a motion to accept the minutes of July 19th as amended. Commissioner Earling seconded the motion, and all commission members present unanimously approved the motion.

**Approval of Vouchers:** **ACTION:** Commissioner Simpson made a motion to approve the vouchers submitted, totaling \$449.10. Commissioner Earling seconded the motion seconded the motion, and all commission members present unanimously approved the motion.

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<sup>1</sup> As this was the commission's last meeting 7/26, these minutes have been reviewed by the officers and one commissioner, but have no formal approval by the commission as a whole..

**Public Comment:** Ms. Evelyn Spencer submitted a written handout of her comments to the Commission. The handout reads that “Three of the primary reasons given in much of the debate (of the Commission) has centered on transparency, independence, and accountability in county government. Therefore, it was of concern last week when this body failed by a single vote to move forward Prop. 6 – the Performance Auditor move from the County Auditor to the County Council. Tonight I am asking that this body again consider moving forward this proposition.

I can best make my case by providing you with a simple flow chart of the County Auditor’s office from the Executive down to the lowly Performance Auditor. Looking at it you will see that the current positioning of the Performance Auditor is *so* far down the chain as to make it almost invisible. I must ask you – where is the transparency, independence or accountability in this arrangement?

In 1996 the voters were asked if they wanted an “independent department of performance auditing” and the new section 3/130 again stressed the word “independent”.

I stress here I am not faulting the County Auditor in any way. The current structure is how this department was established. However, this Commission can rectify that situation by placing before the voters the portion of moving the Performance Auditing department to the County Council where there it will be more transparent, independent and accountable to the public.

I also ask that you consider amending Section 2.90 (Audits as they relate to the County Council) to change the word *may* back to *shall* as it was in 1996.

Last week I spoke on the proposed language in the new section of this veto proposition requesting that three words be deleted – “or appropriation items”. These words appear in the first paragraph and effectively give the Executive line item appropriation authority.

Tonight I again ask you to address this change to prevent causing a situation that was clearly not the intent of this Commission.

Mr. Paul Blowers spoke on the topic of moving the Performance Auditor to the County Council as well. Mr. Blowers spoke of his term on the performance audit committee and how he felt that the Performance Auditor would stand more independent under the Council. Mr. Blowers gave several examples of why the public would be better served if the performance auditor were under the council.

**New Business:** ACTION: Commissioner Earling made a motion to accept the revised language of proposition #6. Commissioner Bond seconded the motion.

DISCUSSION: Commissioner Earling stated he thought the commission had heard strong evidence that this proposition should be put before the voters from both elected officials and the public. He stated the issue of the performance auditor being an independent office was the signature issue of the 1996 commission, but that the final placement of the performance auditor had been the personal preference of the chair of that previous commission and that placement does not necessarily follow the rules of best practice.

Commissioner Kenny stated he was not in support of this motion, or of proposition 6. He stated that performance audits are currently allowed in two sections of the Charter, section 2.90 allows the county council to conduct performance audits and section 3.130 establishes the independent aspect of the performance auditor under the county auditor. Commissioner Kenny stated he felt there had been no testimony that the current position of the performance auditor is creating a problem. Commissioner Kenny also stated perhaps there is just as much danger of political overtones under the council as there is under the county auditor.

Commissioner Valentine stated she agreed with Commissioner Kenny, and the only way to have a truly independent performance auditor is if it is an elected position.

Commissioner Symms stated she was in favor of this motion. She stated it is clear that there are many who desire the move, and she does not feel there is any fault to give this option to the voters.

Commissioner Rauch stated she is in favor of the motion and the proposition. She stated the majority of the departments audited are under the executive branch and having the performance auditor under the legislative branch would allow them to be more independent.

Commissioner Kenny stated according to State Auditor Brian Sonntag the performance auditor should be under the county auditor.

Commissioner Hawksford stated she is in favor of the motion, and she feels it clarifies the issue.

Chair Cooper stated that he is not in favor of proposition 6. He stated he is unsure that the move would really create independence; he feels that it is actually the ordinance that is at fault for the lack of independence. Chair Cooper stated another concern he had is that this move would be taking the performance auditor from under a non-partisan official and placing it under partisan ones. He noted that he cares strongly about the independence of the performance auditor, not the placement of the office.

ACTION: Hearing no other discussion on the motion a vote was taken. The motion carried 8 to 7, the individual votes are as follows:

Halvorson – aye	Rauch – aye
Larsen – nay	Simpson – nay
Symms – aye	Malone – nay
Cooper – nay	Earling – aye
Sinclair – aye	Bond – aye
Hawksford – aye	Kenny – nay
Kelly – nay	Valentine – nay
Ortiz – aye	

**Issue Discussion:** Proposition #1, on the salary commission.

Commissioner Hawksford stated she feels the term “fix” should be changed to either “establish” or “set”.

Chair Cooper stated he believed the language had been taken directly from the existing ordinance.

Counsel concurred that the language had been taken directly from the existing ordinance, and that the term “fix” is often used when dealing with salaries.

Commissioner Kenny asked about the language taken from the proposition dealing with the number of commission members as well as the definition of family member.

John Sitkin stated the commission would be a ten-member commission, and it does not specify how the chair is chosen. He also stated the definition of family member is included in the ordinance.

**ACTION:** Commissioner Symms made a motion to accept the proposed language of proposition #1. Commissioner Rauch seconded the motion, and all commission members present unanimously approved the motion.

Proposition #3, sectional veto.

The question was posed to counsel, if the removal of “appropriation” would limit the executive’s ability to veto a section in the budget.

John Sitkin stated that term is not the appropriate term to use, and if this term is used then it should be defined what exactly is happening.

Commissioner Earling stated in speaking to Rich Davis this language was modeled after the existing state constitution language.

Commissioner Kelly stated she felt that given what they had already done the language is correct, and she would only feel comfortable okaying the language of “appropriation” if they had more information on the subject.

Chair Cooper stated brief comments shall be heard from the executive branch and staff.

Mr. Peter Camp stated he had flexibility on the issue. He stated he did not want to give either side of the government “all or nothing”. He continued, stating that the commission had come 180 degrees from where they had been on this proposition last week.

Commissioner Larsen asked if this was provided for in the charter.

Commissioner Kelly stated that special interests could be perceived on the side of the executive also.

Mr. Camp stated it could indeed, although the council could simply veto the proposition of the executive.

Mr. Chelminiak stated he did not prefer one way or the other if they included the word “appropriation” but that if they were going to do that he would prefer that it not be followed by the word item as that would allow the executive to delve in too deep to the meat of the budget.

Commissioner Kelly asked if the executive was allowed to veto a specific line item and money was taken out where would does it go.

Mr. Chelminiak stated the money would stay in the general fund until another ordinance was proposed.

Chair Cooper asked Mr. Chelminiak if it were indeed his concern that with the wording “appropriation item” the executive would be able to veto a 20,000 dollar line item vs. vetoing a whole section and sending the budget back for revamping.

Mr. Chelminiak stated that was indeed his concern.

Commissioner Hawksford stated she felt this was getting far off base of why this proposition was created in the first place.

Commissioner Kelly stated she feels that the budget is complex and she is not comfortable with the executive playing with it so intricately. She is okay with him having the power to veto an entire section.

Commissioner Earling asked if it would create a conflict since they had already dropped “appropriation item” if they could revamp the language to read appropriation ordinance.

John Sitkin stated there was no need to do that as the word ordinance was already included. He stated that an ordinance is an ordinance.

Chair Cooper asked if at this point if the executive vetoed an appropriation could it come back to this in litigation.

Mr. Sitkin stated he did not feel there would be a problem. He felt there is no ambiguity.

Commissioner Kelly stated vetoes by the executive happen seldom anyhow.

Commissioner Earling asked if they could use broad language or if it would be better to get specific.

Commissioner Rauch stated she feel the word ordinance would suffice.

Mr. Camp stated he felt broad wording is insufficient, and that it should read “including appropriation ordinances”.

Commissioner Sinclair stated she agreed with Mr. Sitkin, that an ordinance is an ordinance.

Mr. Camp stated he would agree if it were writing on a clean slate, but as it is he feels that specific language is necessary.

The commission adjourned for a 5 minute recess, to speak with counsel on a solution to this issue.

Chair Cooper stated that they had formed an attempted solution. He stated that the current language is broad enough, but that a secondary motion should be entertained so there is clarity in the minutes at the true meaning behind the commission’s actions.

ACTION: Commissioner Symms made a motion to accept the language of proposition 3. Commissioner Rauch seconded the motion, and discussion on the motion commenced.

Chair Cooper stated he feels strongly that the executive should be able to veto a budget section.

Commissioner Kenny stated that he would be voting no on this motion but would like it noted this was not because of the language change but because he had continually voted against moving this issue forward.

Commissioner Hawksford stated that when she voted to move this issue forward it was in spite of the appropriation clause.

ACTION: There was no further discussion on the motion. The motion passed with a vote of 12 to 3, with the individual votes as follows.

Halvorson – aye

Rauch – aye

Larsen – aye

Simpson – aye

Symms – aye	Malone – aye
Cooper – aye	Earling – aye
Sinclair – aye	Bond – nay
Hawksford – aye	Kenny – nay
Kelly – aye	Valentine – aye
Ortiz – nay	

ACTION: Commissioner Earling made a secondary motion that it be clarified that it was the intent of the commission that they executive be able to veto any ordinance, including an appropriation ordinance. The secondary motion passed with a vote of 13 to 2, with the individual votes as follows:

Halvorson – aye	Rauch – aye
Larsen – aye	Simpson – aye
Symms – aye	Malone – aye
Cooper – aye	Earling – aye
Sinclair – aye	Bond – aye
Hawksford – aye	Kenny – nay
Kelly – nay	Valentine – aye
Ortiz – aye	

Chair Cooper asked the commissioners to please review the transmittal letter submitted for their signatures that would be forwarded onto the council.

Commissioner Valentine stated she wished to have stronger language in #5.

Commissioner Earling stated he did his best in listening and incorporating the thoughts of all the commissioners into the letter.

ACTION: Commissioner Ortiz made a motion to accept the draft as presented.

ACTION: Commissioner Valentine made an amendment to the motion to accept the draft as presented with the following, changed wording of #5, so that it would read: This issue is being placed on the ballot in the form of changes to the Council's rules of Procedure requirements in the Charter. The Commission felt strongly that the council should schedule evening meetings that are predictable and regular so that citizen access to such meetings is enhanced. Furthermore, the Commission should emphasize it believes public access to the Council's work would be improved through the use of "real time" technology to increase the availability of relevant council materials, such as agendas, minutes and votes of individual members.

Commissioner Sinclair seconded the amendment, and discussion commenced.

Commissioner Kelly stated she was in favor of the amendment.

**ACTION:** There was no further discussion on the amendment, and a voice vote was taken. The amendment to the motion carried.

**ACTION:** There was no further discussion on the motion, and a voice vote was taken. The motion carried.

Commissioner Kenny asked that it was noted that in signing the packet of proposals it is noted that you are acknowledging that these proposals were moved forward by the commission, not that you were in favor of them.

Chair Cooper stated it was so noted.

Chair Cooper stated to the commission that they should have received information for forming voters pamphlets pro and con committees, and that a memo from counsel was sent stating that it may not be appropriate for the commissioners to discuss this at this meeting.

Commissioner Sinclair asked if it would be appropriate for the council to appoint them to the committees.

Commissioner Earling stated it would not be appropriate to sign up as part of the commission, but that if you went through the public process he felt there would be no reason to not be allowed on the pro/con committees.

Commissioner Rauch stated she had been asked by a public group to speak on the issues the commission had put on the ballot, and she would like to make sure of the rules of procedure on this type of thing and whether or not she could take a side on the issues or not.

Commissioner Kenny stated that there should be no issue with any one taking a side on an issue in a personal capacity, but that you could just not use the resources of the county or state to advocate a position.

**Administrative Report:** Steve stated that the office would remain open for the following week to finish things up. He also stated he would be asking the county to keep the website up until the end of the year.

**Chair's Comments:** The chair and the commissioners used this time to thank all that had participated in the process and success of the Snohomish County Charter Review Commission, including the public, staff, elected officials, and all other presenters, as well as their fellow commissioners.

**Adjournment:** The meeting was adjourned at 8:30 p.m.

**Minutes Submitted by:** Allena Olson



Recorder